

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

GENE RAYMOND MORRILL,

Petitioner,

v.

Case No. 2:13cv177

HAROLD W. CLARKE, Director,  
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss the Petition. In his Petition, the pro se Petitioner alleges violations of his constitutional rights in relation to his conviction for distribution of child pornography on August 28, 2008, in the Circuit Court for the County of Prince William. As a result of this conviction, the Petitioner was sentenced to an active term of five (5) years in the Virginia state penitentiary.

The Petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed November 7, 2013, recommends dismissal of

the Petition with prejudice. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.


Accordingly, the Court does hereby **ACCEPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed November 7, 2013, ECF No. 12, and it is therefore **ORDERED** that Respondent's Motion to Dismiss, ECF No. 6, be **GRANTED**, that the Petitioner's Motion for an Evidentiary Hearing and Appointment of Counsel be **DENIED**, and that the Petition, ECF No. 1, be **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of Respondent.

The Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk is DIRECTED to forward a copy of this Final Order to Petitioner and to counsel of record for the Respondent.

It is so ORDERED.

  
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Mark S. Davis  
United States District Judge

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Mark S. Davis  
United States District Judge

Norfolk, Virginia

Date: December 6, 2013